

Moved by Davis

Seconded by Burgoyne

IN THE SENATE  
SENATE AMENDMENT TO S.B. NO. 1069

AMENDMENT TO THE BILL

On page 1 of the printed bill, following line 12, insert:

"SECTION 2. That Section 5-215, Idaho Code, be, and the same is hereby amended to read as follows:

5-215. ACTION ON JUDGMENT OR FOR MESNE PROFITS OF REAL PROPERTY. Within ~~six~~ eleven (~~6~~11) years:

(1-) An action upon a judgment or decree of any court of the United States, or of any state or territory within the United States.

(2-) An action for mesne profits of real property.

SECTION 3. That Section 10-1110, Idaho Code, be, and the same is hereby amended to read as follows:

10-1110. FILING TRANSCRIPT OF JUDGMENTS -- LIEN ACQUIRED. A transcript or abstract of any judgment or decree of any court of this state or any court of the United States the enforcement of which has not been stayed as provided by law, if rendered within this state, certified by the clerk having custody thereof, may be recorded with the recorder of any county of this state, who shall immediately record and docket the same as by law provided, and from the time of such recording, and not before, the judgment so recorded becomes a lien upon all real property of the judgment debtor in the county, not exempt from execution, owned by him at the time or acquired afterwards at any time prior to the expiration of the lien; provided that where a transcript or abstract is recorded of any judgment or decree of divorce or separate maintenance making provision for installment or periodic payment of sums for maintenance of children or alimony or allowance for wife's support, such judgment or decree shall be a lien only in an amount for payments so provided, delinquent or not made when due. The lien resulting from recording of a judgment other than for support of a child continues ~~five~~ ten (~~5~~10) years from the date of the judgment, unless the judgment be previously satisfied, or unless the enforcement of the judgment be stayed upon an appeal as provided by law. A lien arising from the delinquency of a payment due under a judgment for support of a child issued by an Idaho court continues until ~~five~~ ten (~~5~~10) years after the death or emancipation of the last child for whom support is owed under the judgment unless the underlying judgment is renewed, is previously satisfied or the enforcement of the judgment is stayed upon an appeal as provided by law. The transcript or abstract above mentioned shall contain the title of the court and cause and number of action, names of judgment creditors and debtors, time of entry and amount of

1 judgment.

2 SECTION 4. That Section 45-510, Idaho Code, be, and the same is hereby  
3 amended to read as follows:

4 45-510. DURATION OF LIEN. No lien provided for in this chapter binds  
5 any building, mining claim, improvement or structure for a longer period  
6 than six (6) months after the claim has been filed, unless proceedings be  
7 commenced in a proper court within that time to enforce such lien; or unless  
8 a payment on account is made, or extension of credit given with expiration  
9 date thereof, and such payment or credit and expiration date, is endorsed on  
10 the record of the lien, then six (6) months after the date of such payment or  
11 expiration of extension. The lien of a final judgment obtained on any lien  
12 provided for in this chapter shall cease ~~five ten (510)~~ years from the date  
13 the judgment becomes final, ~~but if such period of five (5) years has expired~~  
14 ~~or will expire before September 1, 1947, the owner of such judgment lien~~  
15 ~~shall have until September 1, 1947, within which to levy execution under such~~  
16 ~~judgment."~~;  
17 and in line 13, delete "2" and insert: "5".

18 CORRECTION TO TITLE

19 On page 1, in line 3, following "ENFORCED;" insert: "AMENDING SECTION  
20 5-215, IDAHO CODE, TO INCREASE THE NUMBER OF YEARS WHEN ACTION ON A JUDGMENT  
21 OR FOR MESNE PROFITS OF REAL PROPERTY MUST BE COMMENCED AND TO MAKE TECHNI-  
22 CAL CORRECTIONS; AMENDING SECTION 10-1110, IDAHO CODE, TO INCREASE THE TIME  
23 A CERTAIN LIEN RESULTING FROM RECORDING OF A JUDGMENT CONTINUES OR LIEN ARIS-  
24 ING FROM THE DELINQUENCY OF A PAYMENT DUE UNDER A JUDGMENT CONTINUES; AMEND-  
25 ING SECTION 45-510, IDAHO CODE, TO INCREASE THE TIME PRIOR TO WHEN A LIEN OF  
26 FINAL JUDGMENT SHALL CEASE AND TO REMOVE ARCHAIC LANGUAGE CONCERNING WHEN A  
27 LIEN OF A FINAL JUDGMENT SHALL EXPIRE;".